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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,000	03/23/2006	Yoshiharu Kanatani	11A 3836 PCT	9053

7590 12/22/2008
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EXAMINER

HUGHES, JAMES P

ART UNIT	PAPER NUMBER
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2883

MAIL DATE	DELIVERY MODE
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12/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/573,000	Applicant(s) KANATANI ET AL.	
	Examiner JAMES P. HUGHES	Art Unit 2883	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☒ Claim(s) 1-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>032306 032708</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claims 1-6 are objected to for failing to clearly identify the invention. The term "an other width" in claims 1-3, 5 and 6 is not sufficiently definite in the claim to allow one of ordinary skill to practice or identify what the applicant regards as the invention. Claim 4 is objected to because it inherits this deficiency.

Claims 2, 4 and 6 are objected to for failing to clearly identify the invention. The phrase "any one width of the optical transparency base units, which is obtained by subtracting total widths of the optical no-transparency base units between the color filter from a width of the combination base unit" in claim 2 is not sufficiently definite in the claim to allow one of ordinary skill to practice or identify what the applicant regards as the invention. Claims 4 and 6 is objected to because it inherits this deficiency.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Suzuki et al. (2003/0090933). Suzuki et al. (2003/0090933), hereinafter referred to as "Suzuki," teaches a display device comprising: an image control panel part (eg 18) continuously provided with

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combination base units (eg pixel elements 46) including optical transparency base units and optical no-transparency base units (eg black matrix) and a lens film part (eg 16) continuously provided with repeating units of lenses (eg LCD panel), wherein the image control panel (18) and the lens film part (16) are laminated in a direction of light transmission, and any one width of an optical transparency base unit and a pitch of a repeating unit of a lens is set so as to be integral multiplication of an other – e.g., a factor of 1 in Fig. 18.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (6,011,601). Kojima (6,011,601), hereinafter referred to as “Kojima,” teaches a display device comprising: an image control panel part (eg 25) continuously provided with combination base

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units including optical transparency base units and optical no-transparency base units (eg reflecting plate 24) and a lens film part (11) continuously provided with repeating units of lenses (12), wherein the image control panel (7) and the lens film part (6) are laminated in a direction of light transmission. (See Col. 2, ll. 55 – Col. 3, ll.65; Fig 1-2.) Further, the combination base units may be formed with color filters (eg 34) of plural colors (eg red, green, blue) with the optical no-transparency base units are arranged between the color filters.

However, Kojima does not expressly teach that the lens film parts are laminated to have a crossing angle to form a pitch transfusing the repeating unit of the lenses set a specific length. In light of the unclear claim language as discussed above, it would have been obvious to one of ordinary skill in the art the time to of the invention that any one width of an optical transparency base unit and a pitch of a repeating unit of a lens could be set to be integral multiplication of a width. Such a design choice would have been obvious to allow the artisan to achieve a desired result. (See e.g., the extensive teaching of design choice for the individual lens units 12, Col. 2, ll 55 - Col. 3, ll. 65)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES P. HUGHES whose telephone number is (571)272-2474. The examiner can normally be reached on Monday - Friday 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on 571-272-2415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James P. Hughes/
Primary Examiner, Art Unit 2883